

1 ask, how did Family Broadcasting, Inc. obtain the license for
2 low-power television station W39-AS in Burlington, Vermont?

3 A It was purchased

4 Q And when was it purchased?

5 A Again, I'd have to check the record to be accurate,
6 it was a number of years ago, I believe around '89, '90.

7 Q And you've owned it continuously since then?

8 A Yes

9 Q Okay, your statement indicates that Family is also
10 the permittee of WMNV-FM in Rupert, Vermont and how did you
11 obtain that permit?

12 A That was purchased

13 Q You are now in the process of constructing the
14 station, is that correct?

15 A That is correct

16 Q Okay, you also indicate that you are director of
17 Christian Ministries, Inc. that has applied for non-commercial
18 FM stations in Bolton and Barre, Vermont, and Barre is
19 B-A-R-R-E

20 A Barre.

21 Q Barre, okay, Vermont, what is the status of those
22 applications?

23 A The applications are on file and are going through
24 the process. I believe that one or two of them just went
25 through an A cut-off.

1 MR. DUNNE: Mr. Zauner, excuse me for interrupting,
2 but I note for- the record that Mr. Morton's sitting behind me,
3 the witness exclusion rule hasn't been invoked and I just make
4 a note --

5 JUDGE FRYSIK: I'm sorry.

6 MR. DUNNE: The witness exclusion rule hasn't been
7 invoked and I note that he's right behind me.

8 MR. ZAUNER: I appreciate your mentioning that.
9 Your Honor, I would request that Mr. Morton be sequestered at
10 this time"

11 JUDGE FRYSIK: Any objection?

12 MR. DUNNE: No, Your Honor, I don't. Would you
13 excuse me just a moment "

14 JUDGE FRYSIK: Sure, show him the room where --

15 (Off the record.)

16 (Hack on the record)

17 JUDGE FRYSIK: Back on the record..

18 BY MR. ZAUNER:

19 Q Okay, Family is, of course, also the applicant for a
20 new broadcast: station in Hague, New York, is that correct?

21 A Yes, that's correct .

22 Q When you filed your application for Hague, New York,
23 did you use legal counsel?

24 A Yes, we did .

25 Q Did he provide you with information concerning what

1 | you needed to obtain with regard to site certification?

2 | A Yes, he did.

3 | Q Did you receive information from him on that
4 | subject?

5 | A Yes.

6 | Q Was that information orally received or was it in
7 | writing or both?

8 | A Initially it: was orally received in a telephone
9 | conversation and then a follow-up letter was issued so it was
10 | both.

11 | Q Is the follow-up letter Tab --- part of Tab B to
12 | Exhibit 1, is this the letter that you received dated
13 | September 19, 1991?

14 | A Yes it is ,

15 | Q And I want to call your attention to the second page
16 | of that exhibit, was that. the only information in this letter
17 | of September 19, 1991 that dealt with the subject of cite
18 | certificat on?

19 | A Yes, to my know ledge

20 | Q says there --

21 | JUDGE FRYSIK: What exhibit were you Looking at --

22 | MN DUNNE: Exhibit 1 --

23 | MR ZAUNER: Tab B.

24 | MR. DUNNE: -- Tab B, page 2, Your Honor.

25 | JUDGE FRYSIK: B?

1 MR. ZAUNER: Yes, it's the yellow B, Your Honor.

2 JUDGE FRYSIAC: Okay, I --

3 BY MR. ZAUNER:

4 Q In that letter counsel said reasonable assurance
5 means at a minimum permission to use the site, what did you
6 understand that to mean?

7 A Two things constituted reasonable assurance in my
8 mind, one that a site was available and secondly that the site
9 was available to rent for me

10 Q Would you please read the next sentence, the
11 permission may be given orally -- at need not be in writing --
12 but it must be unambiguously given, what did you understand
13 that to mean?

14 A That he needed to give permission, the site owner
15 needed to give permission

16 Q That he needed to give it affirmatively?

17 A He needed to express affirmation, yes.

18 Q Now, you also indicated you had some oral
19 conversations with counsel concerning site certification, were
20 these conversations prior to filing the application for Hague,
21 New York?

22 A Yes, they were

23 Q And do you recall the substance of those
24 conversations?

25 A Yes

1 Q Did you ask counsel questions about site
2 certification or did he raise the subject with you?

3 A I specifically asked counsel regarding the
4 reasonable assurance issue because I was not aware of the
5 definition and I asked him for a definition of reasonable
6 assurance"

7 Q Why did you ask him for that definition, was there a
8 particular problem or anything that caused you to do so?

9 A No, not a problem but I knew that I was going to be
10 calling Mr Westbrook and was going to be looking for tower
11 sites for the Hague frequency and it had been quite some time
12 since we had done that in that fashion, as far as filing for
13 an application from the very start.

14 Q What did -- what precisely did you ask counsel, do
15 you recall

16 A Yes, I asked Mr Dunne what is reasonable assurance.

17 Q And what did Mr Dunne tell you?

18 A He said permission and from my conversation I
19 concluded that first that the site had to be available and
20 secondly that the site had to be available to me.

21 Q In your application for Hague you specify the
22 Mt. Defiance site, is that correct?

23 A Yes, that is correct

24 Q How did you come to select the Mt. Defiance site for
25 your application?

1 A In looking at preliminary studies of the area of
2 potential sites it was an existing site and promised the
3 quickest potential of being able to utilize the site in that
4 you wouldn't have to go through environmental to put a tower
5 up, the tower was already existing and had broadcast
6 facilities currently on it and the first conclusion was go
7 with an existing site as opposed to building.

8 Q Was it also your conclusion that the Mt. Defiance
9 site would give you good coverage of Hayue, New York.

10 A Yes , it was.

11 Q Was the Mt . Defiance site about the best site that
12 you thought you could locate for coverage of Hague, New York?

13 A Of the sites that were available, yes.

14 Q Did you call anyone at a station that was operating
15 on the tower to get information concerning the tower?

16 A Yes, I did.

17 Q Whom did you call:

18 A David Gallety .

19 Q And who is David Gallety?

20 A Mr. Gallety is the executive director of WAMC.

21 JUDGE FRYSLAF : Spell out. that name?

22 MR. MCEWING: I believe, G-A-L-L-E-T-Y.

23 BY MR. ZAUNER:

24 Q Now , WAMC, is that an AM or an FM station, do you
25 know?

1 A To my knowledge, it's FM.

2 Q Okay, is there also a WANC?

3 A Yes, it's a -- I believe it's a co-owned station in
4 Fort Ticonderoga.

5 Q And it's co-owned with WAMC?

6 A As far as I know, yes.

7 Q To the best of your- knowledge, and why did you call
8 Mr. Gallety?

9 A Gallety.

10 Q Gallety

11 A There was a -- we were in a previous hearing for an
12 application in Voorheesville a number of years earlier, that's
13 how I became acquainted with Mr. Gallety and was familiar that
14 they had recently acquired the FM station which was operating
15 at the Mt.. Defiance site and looked through -- I didn't know
16 who the tower owner was of the site and so I looked through
17 and called Mr. Gallety hoping to get that information from
18 him.

19 Q Your purpose then was to obtain information from
20 Mr. Gallety as to who owned the tower -

21 A That's correct

22 Q -- and the reason you did that. is that you were
23 interested in placing your antenna on that tower also, is that
24 correct?

25 A Yes, that's correct..

1 Q And Mr. Gallety informed you that that tower was
2 owned by the Fort Ticonderoga Association, is that correct?

3 A Yes.

4 Q And did you ask him who you could contact in the
5 Fort. Ticonderoga ---

6 A Yes, I did,

7 Q And who did he tell you to contact?

8 A Well, Nick Westburg is the name that he gave me.

9 Q Did he give you a telephone number?

10 A Yes, he did.

11 Q When you were speaking to Mr. Gallety, did you ask
12 him for any technical information concerning the tower?

13 A Yes, I wanted to know how much, you know, how much
14 stuff they had going on there.

15 Q And by that you mean who the current users of the
16 tower were

17 A As far as how much space they had in the building,
18 approximately, you know, how big was their antenna, that
19 information

20 Q Did you ask who else was on the tower?

21 A I did not.

22 Q Did you ask him if space was available on the tower
23 for another antenna?

24 A Yes.

25 Q And what did he tell you?

1 A He told me that the space would be tight but he
2 thought that. perhaps there could be space available but it was
3 not for -- he couldn't give that call .

4 Q Okay , after speaking to Mr. Gallety, what did you
5 do?

6 A I called Mr. Westbrook.

7 Q Was that the same day?

8 A Yes, I believe so.

9 Q Let me call your attention to Attachment A to
10 Exhibit 1, this is -- well, I guess we can call this Tab A to
11 your exhibit and I'm going to call your attention to page 5
12 and the numbers of the pages are at the bottom right-hand
13 corner of each page, I believe. Are these -- are the
14 handwritten notes on this page your handwritten notes?

15 A Yes, they are.

16 Q Were some of these notes written during your
17 conversation with Mr. Gallety?

18 A Yes

19 Q Can you tell me which of these handwritten notes
20 were made during that conversation -- was that -- Let me ask
21 you another question -- before I do that, were some of these notes
22 made during a subsequent conversation you had with
23 Mr. Westbrook?

24 A Yes, they were.

25 Q And could you tell us which of these notes were made

1 during your- conversation with Mr. Gallety'?

2 A The -- all of the notes in the box, the two boxes, I
3 guess, were made during my conversation with Mr. Gallety.

4 Q You indicate there under David Gallety's name the
5 words "executive director", was David Gallety the executive
6 director of WANC or WAMC or both?

7 A To my know ledge, yes

a Q And below that, was that the -- where it says Fort
9 Ticonderoga and Nick Westbury and then there's a number, was
10 that the phone number that Mr. Gallety gave you?

11 A Yes.

12 Q Now, am I correct that the remainder of the
13 handwritten notes on this page were made during your
14 conversation with Mr. Westbrook?

15 A Yes.

16 Q And that was during the 10-minute conversation that
17 we're going to be getting into in a minute or two.

18 A Yes

19 Q Okay, you indicated that you believe on the same day
20 that you spoke to Mr. Gallety that you called Mr. Westbrook,
21 can you tell us what you said to Mr. West-brook when you called
22 him, how did you introduce yourself?

23 A I introduced myself as the manager or president of
24 Family Broadcasting.

25 Q Did you tell him immediately what the purpose of

1 your call was?

2 A Yes.

3 Q What. did you tell him?

4 A I told him that we were looking at putting a
5 repeater site in the area and that I was calling him to see
6 about the availability of the Mt. Defiance site and that I had
7 gotten his name from David Gallety.

8 Q You told him you were putting in a repeater site?

9 A Yes

10 Q And what station was this a repeater for?

11 A WGLY was our intention.

12 Q And you wanted to use the Mt. Defiance site for the
13 repeater:?

14 A That's correct.

15 Q Did you also tell him that you were interested in
16 using the Mt. Defiance site for the Hague transmitter?

17 A In the course of the conversation I indicated that
18 we were going to be filing an application and would like to
19 specify the Mt. Defiance site, yes.

20 Q With regard to your conversation with him concerning
21 the repeater, did you ask him for permission to use the
22 Mt. Defiance site for the repeater?

23 A Subsequently I asked Mr. Westbrook if he had no
24 objections, we were going to specify the Mt. Defiance in our
25 application

1 Q For the repeater?

2 A I use the word repeater as not in the technical
3 sense of the word repeater.

4 Q I'm not sure I follow that, what's in -- what do you
5 mean then by repeater?')

6 A For what we are doing up there we originate our
7 programming at WGLY and then we would like to repeat it onto
8 additional facilities, those facilities may be full class
9 stations in their operation.

10 Q Am I correct then that you're serving as a network,
11 that you're taking your broadcasting and in effect,
12 distributing it to other stations which then rebroadcast it?

13 A Per se, yes.

14 Q And you wanted to use a spot on the tower on
15 Mt. Defiance for that purpose?

16 A That's correct

17 Q What did Mr. Westbrook say about this idea?

18 A Mr Westbrook told me that he needed a formal
19 proposal

20 Q Did you agree to provide him with one?

21 A Yes, I did.

22 Q Did he give you a date by which you needed to
23 provide it?

24 A He did not give me a date, no

25 Q Did he tell you what that proposal should include?

1 A Yes, he did.

2 Q And what did he say that should include?

3 A He indicated to me that I should, in the propose,
4 indicate what our tax status was as well as the rent that we
5 would be willing to pay and then, as you can see on the notes,
6 the time frame that we would be wanting to use this space as
7 well as the electrical consumption and the amount of room in
8 the building that would be necessary.

9 Q Now, you say room in building, is that a -- what
10 kind of building is that, do you know?

11 A A transmitter building.

12 Q Did he ask you for a formal technical proposal?

13 A He asked me for a formal proposal .

14 Q Did you understand that to include the full
15 technical showing?

16 A I understood it to include the items that he told me
17 to provide him

18 Q After you spoke to him about WGLY, was it then that
19 you spoke to him about your Hague proposal?

20 A I told him that we operated another station and it
21 was all one thing, the two can't be separated .

22 UDGE FRYSIAK: Your notes also indicate the word
23 "okay", what does that mean?

24 MR MCEWING: Often I doodle when I want. to get
25 information, when I conclude . -

1 JUDGE FRYSIAK: But the top of your notes there you
2 got the word "okay" --

3 MR. McEWING: Yes.

4 JUDGE FRYSIAK: -- with an arrow pointing to "'formal
5 proposals'", what does that mean?

6 MR. MCEWING: That I would need to send him a formal
7 proposal.

8 JUDGE FRYSIAK: So the okay was you were saying okay
9 or --

10 MR. MCEWING: Yes.

11 BY MR.. ZAUNER:

12 Q Okay, when you were talking to him about the
13 repeater, is that essentially the antenna that you were going
14 to propose for your Hague, New York FM station on Channel
15 229A?

16 A That's correct.

17 Q Did you directly ask Mr. Westbrook whether Family
18 had permission to use the Mt. Defiance site?

19 A I indicate --

20 MR DUNNE: I'm sorry, Your Honor, I'm having
21 problems hearing with the door Let me -- I'll go and close
22 it -- I'm sorry, could you ask that question again, Bob?

23 MR ZAUNER: sure

24 BY MR. ZAUNER:

25 Q Did you directly ask Mr. Westbrook whether Family

1 | had permission to use the Mt Defiance site:?

2 | A I asked Mr. Westbrook if he had any objections to us
3 | specifying the Mt. Defiance site in our application.

4 | Q And what: did he tell you?

5 | A He said send me a letter.

6 | Q So he didn't say yes or he didn't say no, he just
7 | said send you -- send me a letter.

8 | A That s correct

9 | Q When he said send me a letter, was he talking about
10 | the proposal that he wanted from you or was this a different
11 | letter that he wanted:!

12 | A That's what we had been discussing, was the formal
13 | proposal,

14 | JUDGE: FRYSIK: Well, for example, 1 percent of
15 | gross, which you indicate in your notes, whose idea was that?

16 | MR. MCEWING: That was Mr. Westbrook's information.

17 | BY MR. ZAUNER:

18 | Q During your conversation did you tell him when you
19 | needed to file Family's application?

20 | A Yes, I indicated to him that we were under time
21 | constraints and that we want& to get the application on file
22 | as soon as possible.

23 | Q During the course of your conversation, did
24 | Mr. McEwing tell you that if Family was interested in using
25 | the Mt. Defiance site it would have to submit a written

1 proposal?

2 A You ask me if Mr. McEwing said --

3 Q I'm sorry, did I say Mr. McEwing --

4 A Yes,

5 Q -- did Mr. Westbrook, my apology.

6 A If you could ask that again, I'm sorry.

7 Q Okay, isn't a fact that Mr. Westbrook informed you
8 that if Family was interested in using the Mt. Defiance site
9 it would have to submit a written proposal to the Fort
10 Ticonderoga Association?

11 A He did not indicate to me that that was the only
12 criteria. He said that we needed to submit a letter or a
13 proposal of interest.

14 Q Did he refer to that proposal of interest as a
15 formal proposal, was those his words?

16 A Initially in our conversation, yes.

17 Q Did he tell you why he needed this formal proposal?

18 A He said that he had an upcoming board meeting.

19 Q Did he tell you why he needed the proposal for that
20 upcoming board meeting?

21 A He didn't tell me why, I assumed to present to the
22 board.

23 Q Did he tell you when the board meeting was going to
24 be held?

25 A He told me that it was upcoming, soon.

1 Q Did he give you a specific date?

2 A He did not give me a specific date, n o .

3 Q Did he tell you what the consequences would be if
4 you failed to get your proposal in by that -- by the date of
5 that board meeting?

6 A He did not.

7 Q He did not tell you then -- let me withdraw that,
8 see if I can make it a positive statement. Did Mr. Westbrook
9 tell you that your proposal would have to be submitted
10 immediately or very quickly in order for it to become part of
11 the agenda for the Board of Trustees meeting?

12 A No, he did not

13 Q And he never told you that that meeting was going to
14 be on October 5, 1991?

15 A He did not.

16 Q Did he tell you that if you failed to meet the
17 October 5, 1991 deadline that: the next window for considering
18 Family's proposal would be the Board's January/February 1992
19 winter meeting?

20 A He did not tell me that.

21 JUDGE FRYSIAP: When you asked him specifically
22 whether he had any objections, were you citing -- specifying
23 the site?

24 MR. MCEWING: Yes, I did.

25 JUDGE FRYSIAP: And he had no response at all?

1 MR. MCEWING: His response was; , send me a letter.

2 JUDGE: FRYSIAK: Okay

3 BY MR. ZAUNER:

4 Q Did you assume from that response that you had
5 authorization to specify the Mt. Defiance site?

6 A Yes, I did.

7 Q What in that response did you perceive as giving you
8 that author- ization?

9 A Based on my understanding of what reasonable
10 assurance was that there was a site available, that it was
11 available to me, that he was entertaining a letter and did not
12 indicate any objections to my specific question, if he had any
13 objections, to me specifying t-he site, the Mt. Defiance, in my
14 application.

15 Q Can I call your attention to -- again to Tab B and
16 to the letter that your- counsel sent you and I want to draw
17 your attention back to the last sentence on page 2, that
18 permission may be given orally -- it need not be in writing --
19 but it must be unambiguously given. Did you feel that no
20 objection constituted an unambiguous grant of permission?

21 A This letter was received after- my conversation with
22 Mr . Westbrook and I did ask Mr Westbrook if he had any
23 objections and in any understanding that I would have had if
24 he had any objections he would have told me that there were
25 objections.

1 Q Well, this letter was received -- or at least the
2 date on it. is September 19, 1991 and it indicates that it was
3 by a telecopy which means you would have gotten it on that
4 date, is that not correct ?

5 A I believe that the date that I talked with
6 Mr. Westbrook was the day prior.

Q But the date on which you filed your application was
8 September 24, 1991, five days after receiving this letter, is
9 that correct ?

10 A That's correct, yes

11 Q Did you have any questions in your mind as to
12 whether or not you had obtained reasonable assurance after
13 reading this paragraph 6 that's on page 2 of Tab B?

14 A I did not, no.

15 Q At the time you received this letter it was your
16 feeling that. you had received permission unambiguously given.

17 A Yes, that's correct

18 Q With regard to Mr. Westbrook's request for a formal
19 proposal or a letter, did you agree to provide him with that
20 information?

21 A Yes, I did.

22 Q Did you,, in fact, send him that information

23 A I did not.

24 Q Was there any reason why you didn't?

25 A I got busy with --. we had several things going on at

1 | that point in time, we had a rulemaking that we were involved
 2 | in that consumed a good bit of my time, we shortly after that
 3 | time started our annual fund raiser. For over a month I
 4 | didn't even come back to this issue and by the time I came
 5 | back to it it was time to put the public notice in and
 6 | realized that I needed to send him a letter and put the public
 7 | notice in and was hoping to be able to send him a letter, you
 8 | know, as I got time to do that.

9 | Q So the public notice -- let me show you the
 10 | document -- this is Attachment 1 to the --

11 | MR. DUNNE: Yeah, think we can stipulate that the
 12 | public notice was published on or about November 11, 1991 in
 13 | the --

14 | MR. ZAUNER: Okay, what I was going to do was offer
 15 | that into evidence as part of my Mass Media Bureau Exhibit 1
 16 | which would, I recognize, portions of it will most likely be
 17 | rejected but --

18 | BY MR.. ZAUNER:

19 | Q Let me just show you Attachment 1, I'm going to give
 20 | a copy to the Judge and a copy to -- do you have --

21 | MR. DUNNE: What are you giving -- what are you
 22 | going to be giving --

23 | MR. ZAUNER: I'm going to show this to the Judge.

24 | MR. DUNNE: Okay.

25 | MR. ZAUNER: And to the witness and I'll give you a

1 | copy if you need one.

2 | MR. DUNNE: Okay, well, I've got a copy also for the
3 | witness.

4 | MR. ZAUNER: Okay -- oh, okay

5 | JUDGE FRYSIAC : You going to offer this, are you
6 | going to offer this in evidence?

7 | MR. ZAUNER: Yes, I am, perhaps at the end of the
8 | session.

9 | JUDGE FRYSIAC: Okay, well, why don't you just
10 | simply identify it first for me, your Exhibit 1.

11 | MR. ZAUNER: Your Honor, I'm going to show the
12 | witness a document which is attached to Mass Media Bureau
13 | Exhibit 1 as Attachment. Do you have that document in front
14 | of you? Mass Media Bureau Exhibit 1 has not been identified
15 | or received into evidence yet

16 | JUDGE FRYSIAC: Okay, I read you now, go ahead.

17 | MR. ZAUNER: Okay

18 | BY MR. ZAUNER:

19 | Q And I'm going to ask you to take a look at
20 | Attachment 1, is that a copy of the legal notice that you had
21 | placed in the newspaper in the Fort Ticonderoga area?

22 | A That's correct

23 | Q Okay.

24 | MR. DUNNE: Mr. Zauner, are you going to be
25 | referring to that again?

1 MR. ZAUNER: No .

2 BY MR. ZAUNER: Your Honor, just for the record,
3 Attachment.. his a -- just a i-page document consisting of a
4 number of legal notices and one of those legal notices is the
5 one for Family Broadcasting, it's the one in the upper left-
6 hand corner

7 JUDGE: FRYSIAK: Al right

8 BY MR. ZAUNER:

9 Q During your conversation with Mr. Westbrook, did you
10 discuss the rent that Family would be willing to pay for a
11 place on their tower on the Fort Ticonderoga Association tower
12 at Mt. Defiance?

13 A I specifically asked Mr. Westbrook in response to
14 his comment that one of the things that he wanted in the
15 formal proposal was an idea of the rent that we would be
16 willing to pay and I asked him to have an idea if what to put
17 in that proposal what the other broadcasters were currently
18 paying on that site.

19 Q Let me call your attention to Tab A and to your
20 notes on page 5, I see a note in the upper right-hand corner
21 that says,, tenant. 1 percent of gross, was this something that
22 Mr. Westbrook told you?

23 A Yes, it was.

24 Q And was this what other stations were paying?

25 A As far as I know, that's what he told me

1 Q Did you at any point in your conversation tell
2 Mr. Westbrook that Family would make it worthwhile for the
3 Fort Ticonderoga Association to have the Family repeater on
4 the Mt. Defiance tower?

5 A To my knowledge I indicated that we would be willing
6 to make it worth his while, yes.

7 Q And didn't Mr. Westbrook tell you that you should
8 include in your written proposal, I think you may have already
9 answered this, the rent that Family was willing to pay?

10 A That's correct.

11 Q During the course of your conversation with
12 Mr. Westbrook, did he tell you that you should include in your
13 formal proposal technical information so that the Association
14 would be able to determine the compatibility of Family's
15 proposal for the tower's existing tenants?

16 A He did not,

17 Q Did he tell you that the Association, that's the
18 Fort Ticonderoga Association, that its leases required that
19 the Association submit all technical proposals to the tower's
20 current tenants for their consideration?

21 A He did not.

22 Q In the course of your conversation, did you
23 specifically ask Mr. Westbrook if Family could specify
24 Mt. Defiance as its antenna site in its application for a new
25 station at Hague, New York?

1 A I specifically asked Mr. Westbrook if 'he had any
2 objection to us filing an application specifying the
3 Mt. Defiance s te.

4 Q Then the answer to my question is, no, you never
5 asked him specifically and directly if Family could specify
6 Mt. Defiance as its antenna site .

7 A I did not ask him in those words , I asked him if he
8 had any cobjections to us filing an application specifying the
9 Mt. Defiance s i te .

10 Q Let me call your attention to Tab A to your
11 testimony and it's page 2, paragraph 10, you state, when I
12 received Mr Westbrook's letter dated November 14, 1991, I was
13 shocked and disturbed isthat the letter which is at
14 Exhibit '7, page 2?

15 A I'm sorry, I don't have Exhibit 7.

16 MR DUNNE: I'll make a copy of that available to
17 him.

18 MR ZAUNER: Thank you.

19 BY MR. ZAUNER:

20 Q Give you a second --

21 A I'm sorry, if you could ask the question again now
22 that I have this.

23 Q Sure, sure, at paragraph 10 of your Tab A on page 2,
24 you state, when I received Mr Westbrook's letter dated
25 November 14, 1991 I w a s shocked and diszurbed. You go on to

1 say, I thought he had no objections. Is the letter that's
2 referred to there the letter that appears at Exhibit 7,
3 page 2?

4 A Yes, it is.

5 Q When you received this letter I presume you read
6 it.

7 A Yes.

8 Q He states in there that when you telephoned in early
9 September to inquire about lease possibilities during this
10 current FCC quote "window" end quote, I stated clearly that we
11 would consider written proposals only detailing technical and
12 financial implications Is that a true statement by
13 Mr. Westbrook?

14 A That's not what he told me on the phone.

15 Q He says, I noted that we had an upcoming Board of
16 Trustees meeting in early October, is that a true and correct
17 statement by Mr. Westbrook?

18 A That's correct, to my knowledge, yes.

19 Q He told you that you were having a meeting in
20 October, that he was -- I'm sorry, let me withdraw that, he
21 told you that there was an upcoming Board of Trustees meeting
22 in early October

23 A I believe he said early October, he said an upcoming
24 meeting and I believe it was early October, yes.

25 Q Okay, but your testimony is that his first sentence